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Attorneys for Defendant
CITISTAFF SOLUTIONS, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

DEMETRIC DI-AZ, OWEN DIAZ, and
LAMAR PATTERSON,

Plaintiff,

vs.

TESLA, INC. dba TESLA MOTORS, INC.;
CITISTAFF SOLUTIONS, INC.; WEST
VALLEY STAFFING GROUP;
CHARTWELL STAFFING SERVICES,
INC.; and DOES 1-50, inclusive,

Defendants.

Case No. 3:17-cv-06748-WHO

**DEFENDANT CITISTAFF SOLUTIONS,
INC.'S OBJECTIONS TO PLAINTIFF'S
EVIDENCE IN OPPOSITION TO
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT OR SUMMARY
ADJUDICATION**

Date: October 23, 2019
Time: 2:00 p.m.
Courtroom: 2, 17th Floor
Judge: Hon. William H. Orrick

Trial Date: March 2, 2020
Complaint filed: October 16, 2017
Amended filed: December 26, 2018

Defendant Citistaff Solutions, Inc. ("Defendant") hereby objects to the following evidence presented by Plaintiffs Demetric Di-az and Owen Diaz in support of their opposition to Defendant's Motion for Summary Judgment.

| <u>MATERIAL OBJECTED TO</u> | <u>GROUND FOR OBJECTION</u> |
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| <p align="center">Declaration of Lawrence Organ In Support of Plaintiff's Opposition to Motion for Summary Judgment</p> | |
| 1. Organ Dec. at ¶ 9, 2:26-27. "Attached hereto and marked as Exhibit 8 is a true and correct copy of a document produced by Plaintiff Owen Diaz in discovery and Bates-stamped ODIAZ000209." | <p>a. The statement constitutes inadmissible hearsay. FRE 802.</p> <p>b. Lacks Foundation.</p> |
| <p align="center">Supplemental Declaration of Lawrence Organ In Support of Plaintiff's Opposition to Motion for Summary Judgment</p> | |
| 2. Organ Supp. Dec. at ¶ 6, 2:27-3:2. "Exhibit E, filed under seal, is a true and correct copy of a document produced by Defendant Tesla, Inc. in discovery and Bates-stamped TESLA-0000511. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order." | <p>a. The statement constitutes inadmissible hearsay. FRE 802.</p> <p>b. Lacks Foundation.</p> |
| 3. Organ Supp. Dec. at ¶ 7, 3:3-7. "Exhibit F, filed under seal, is a true and correct copy of a document produced by Defendant Tesla, Inc. in discovery and Bates-stamped TESLA-0000510. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order." | <p>a. The statement constitutes inadmissible hearsay. FRE 802.</p> <p>b. Lacks Foundation.</p> |
| 4. Organ Supp. Dec. at ¶ 8, 3:8-12. "Exhibit G, filed under seal, consists of true and correct copies of documents produced by Defendant Tesla, Inc. in discovery and Bates-stamped TESLA-0000667 to TESLA-0000671. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order." | <p>a. The statement constitutes inadmissible hearsay. FRE 802.</p> <p>b. Lacks Foundation.</p> |

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| 5. Organ Supp. Dec. at ¶ 9, 3:13-17. "Exhibit H, filed under seal, consists of true and correct copies of documents produced by Defendant Tesla, Inc. in discovery and Bates-stamped TESLA-0000314 to TESLA-0000316. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order." | a. The statement constitutes inadmissible hearsay. FRE 802. b. Lacks Foundation. |
| 6. Organ Supp. Dec. at ¶ 12, 3:25-28. "Exhibit K, filed under seal, is a true and correct copy of a document produced by Defendant Tesla, Inc. in discovery and Bates-stamped TESLA-000060. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order." | a. The statement constitutes inadmissible hearsay. FRE 802. b. Lacks Foundation. |
| 7. Organ Supp. Dec. at ¶ 13, 4:1-4. "Exhibit L, filed under seal, is a true and correct copy of a document produced by Defendant Tesla, Inc. in discovery and Bates-stamped TESLA-0000626. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order." | a. The statement constitutes inadmissible hearsay. FRE 802. b. Lacks Foundation. |
| 8. Organ Supp. Dec. at ¶ 14, 4:5-9. "Exhibit M, filed under seal, consists of true and correct copies of documents produced by Defendant nextSource, Inc. in discovery and Bates-stamped NS000138 through NS000139. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order." | a. The statement constitutes inadmissible hearsay. FRE 802. b. Lacks Foundation. |
| 9. Organ Supp. Dec. at ¶ 16, 4:16-21. "Exhibit O, filed under seal, consists of true and correct copies of documents produced by Defendant Citistaff Solutions, Inc. in discovery and Bates-stamped CITISTAFF-0000004 through CITISTAFF-0000005. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order." | a. The statement constitutes inadmissible hearsay. FRE 802. b. Lacks Foundation. |

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| 10. Organ Supp. Dec. at ¶ 17, 4:22-26. “Exhibit P, filed under seal, consists of true and correct copies of documents produced by Defendant nextSource, Inc. in discovery and Bates-stamped NS000038 – NS000045. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order.” | a. The statement constitutes inadmissible hearsay. FRE 802. b. Lacks Foundation. |
| 11. Organ Supp. Dec. at ¶ 18, 4:27-25:5:2. “Exhibit Q, filed under seal, consists of true and correct copies of documents produced by Defendant nextSource, Inc. in discovery and Bates-stamped NS000095 through NS000100. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order.” | a. The statement constitutes inadmissible hearsay. FRE 802. b. Lacks Foundation. |
| 12. Organ Supp. Dec. at ¶ 19, 5:3-7. “Exhibit R, filed under seal, is a true and correct copy of a document produced by Defendant nextSource, Inc. in discovery and Bates-stamped NS000014. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order.” | a. The statement constitutes inadmissible hearsay. FRE 802. b. Lacks Foundation. |
| 13. Organ Supp. Dec. at ¶ 20, 5:8-13. “Exhibit S, filed under seal, consists of true and correct copies of documents produced by Defendant Citistaff Solutions, Inc. in discovery and Bates-stamped CITISTAFF-0000009 through CITISTAFF-0000010. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order.” | a. The statement constitutes inadmissible hearsay. FRE 802. b. Lacks Foundation. |
| 14. Organ Supp. Dec. at ¶ 22, 5:19-23. “Exhibit U, filed under seal, consists of true and correct copies of documents produced by Defendant Citistaff Solutions, Inc. in discovery and Bates-stamped TESLA-0000001 through TESLA-0000003. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order.” | a. The statement constitutes inadmissible hearsay. FRE 802. b. Lacks Foundation. |

**DEFENDANT CITISTAFF SOLUTIONS, INC.’S OBJECTIONS TO PLAINTIFF’S EVIDENCE IN
OPPOSITION TO DEFENDANT’S MOTION FOR SUMMARY JUDGMENT OR SUMMARY
ADJUDICATION (CASE NO. 3:17-cv-06748-WHO)**

| <u>MATERIAL OBJECTED TO</u> | <u>GROUND FOR OBJECTION</u> |
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| <p>15. Organ Supp. Dec. at ¶ 23, 5:24-27. “Exhibit V, filed under seal, consists of true and correct copies of documents produced by Defendant nextSource, Inc. in discovery and Bates-stamped NS000175 through NS000178. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order.”</p> | <p>a. The statement constitutes inadmissible hearsay. FRE 802.</p> <p>b. Lacks Foundation.</p> |
| <p>Declaration of Lawrence Organ In Support of Plaintiff’s Administrative Motion to File Under Seal</p> | |
| <p>16. Organ Dec. at ¶ 6, 3:1-4. “Attached hereto and marked as Exhibit E is a true and correct copy of a document produced by Defendant Tesla, Inc. in discovery and Bates-stamped TESLA-0000511. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order.”</p> | <p>a. The statement constitutes inadmissible hearsay. FRE 802.</p> <p>b. Lacks Foundation.</p> |
| <p>17. Organ Dec. at ¶ 7, 3:6-9. “Attached hereto and marked as Exhibit F is a true and correct copy of a document produced by Defendant Tesla, Inc. in discovery and Bates-stamped TESLA-0000510. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order.”</p> | <p>a. The statement constitutes inadmissible hearsay. FRE 802.</p> <p>b. Lacks Foundation.</p> |
| <p>18. Organ Dec. at ¶ 8, 3:10-14. “Attached hereto and marked as Exhibit G are true and correct copies of documents produced by Defendant Tesla, Inc. in discovery and Bates-stamped TESLA-0000667 to TESLA-0000671. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order.”</p> | <p>a. The statement constitutes inadmissible hearsay. FRE 802.</p> <p>b. Lacks Foundation.</p> |
| <p>19. Organ Dec. at ¶ 9, 3:15-19. “Attached hereto and marked as Exhibit H are true and correct copies of documents produced by Defendant Tesla, Inc. in discovery and Bates-stamped TESLA-0000314 to TESLA-0000316. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order.”</p> | <p>a. The statement constitutes inadmissible hearsay. FRE 802.</p> <p>b. Lacks Foundation.</p> |

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| 20. Organ Dec. at ¶ 12, 4:1-4. "Attached hereto and marked as Exhibit K is a true and correct copy of a document produced by Defendant Tesla, Inc. in discovery and Bates-stamped TESLA-000060. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order." | a. The statement constitutes inadmissible hearsay. FRE 802. b. Lacks Foundation. |
| 21. Organ Dec. at ¶ 13, 4:5-9. "Attached hereto and marked as Exhibit L is a true and correct copy of a document produced by Defendant Tesla, Inc. in discovery and Bates-stamped TESLA-0000626. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order." | a. The statement constitutes inadmissible hearsay. FRE 802. b. Lacks Foundation. |
| 22. Organ Dec. at ¶ 14, 4:10-14. "Attached hereto and marked as Exhibit M are true and correct copies of documents produced by Defendant nextSource, Inc. in discovery and Bates-stamped NS000138 through NS000139. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order." | a. The statement constitutes inadmissible hearsay. FRE 802. b. Lacks Foundation. |
| 23. Organ Dec. at ¶ 16, 4:21-26. "Attached hereto and marked as Exhibit O are true and correct copies of documents produced by Defendant Citistaff Solutions, Inc. in discovery and Bates-stamped CITISTAFF-0000004 through CITISTAFF-0000005. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order." | a. The statement constitutes inadmissible hearsay. FRE 802. b. Lacks Foundation. |
| 24. Organ Dec. at ¶ 17, 4:27-5:2. "Attached hereto and marked as Exhibit P are true and correct copies of documents produced by Defendant nextSource, Inc. in discovery and Bates-stamped NS000038 through NS000045. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order." | a. The statement constitutes inadmissible hearsay. FRE 802. b. Lacks Foundation. |

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| <p>25. Organ Dec. at ¶ 18, 5:3-7. “Attached hereto and marked as Exhibit Q are true and correct copies of documents produced by Defendant nextSource, Inc. in discovery and Bates-stamped NS000095 through NS000100. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order.”</p> | <p>a. The statement constitutes inadmissible hearsay. FRE 802.</p> <p>b. Lacks Foundation.</p> |
| <p>26. Organ Dec. at ¶ 19, 5:8-12. “Attached hereto and marked as Exhibit R is a true and correct copy of a document produced by Defendant nextSource, Inc. in discovery and Bates-stamped NS000014. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order.”</p> | <p>a. The statement constitutes inadmissible hearsay. FRE 802.</p> <p>b. Lacks Foundation.</p> |
| <p>27. Organ Dec. at ¶ 20, 5:13-18. “Attached hereto and marked as Exhibit S are true and correct copies of documents produced by Defendant Citistaff Solutions, Inc. in discovery and Bates-stamped CITISTAFF-0000009 through CITISTAFF-0000010. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order.”</p> | <p>a. The statement constitutes inadmissible hearsay. FRE 802.</p> <p>b. Lacks Foundation.</p> |
| <p>28. Organ Dec. at ¶ 22, 5:24-28. “Attached hereto and marked as Exhibit U are true and correct copies of documents produced by Defendant Citistaff Solutions, Inc. in discovery and Bates-stamped TESLA-0000001 through TESLA-0000003. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order.”</p> | <p>a. The statement constitutes inadmissible hearsay. FRE 802.</p> <p>b. Lacks Foundation.</p> |
| <p>29. Organ Dec. at ¶ 23, 6:1-4. “Attached hereto and marked as Exhibit V are true and correct copies of documents produced by Defendant nextSource, Inc. in discovery and Bates-stamped NS000175 through NS000178. Defendant marked this document as "confidential" pursuant to the Protective Order, and the document should therefore be sealed pursuant to this Order.”</p> | <p>a. The statement constitutes inadmissible hearsay. FRE 802.</p> <p>b. Lacks Foundation.</p> |

1 Dated: October 9, 2019

LAFAYETTE & KUMAGAI LLP

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3 /s/ Susan T. Kumagai

4 SUSAN T. KUMAGAI
5 Attorneys for Defendant
6 CITISTAFF SOLUTIONS, INC.
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